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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,258	12/15/2003	Thomas E. Creamer	BOC9-2003-0094 (465)	6451
40987	7590	12/10/2007	EXAMINER	
AKERMAN SENTERFITT			GAUTHIER, GERALD	
P. O. BOX 3188			ART UNIT	PAPER NUMBER
WEST PALM BEACH, FL 33402-3188			2614	
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			12/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/736,258

Applicant(s)

CREAMER ET AL.

Examiner

Gerald Gauthier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. **Claim(s) 1-27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lopez et al. (US 2002/0076021 A1) in view of Ota et al.(US 2003/0154073 A1).

Regarding **claim(s) 1**, Lopez discloses a method of providing identifying information over a voice communications link (paragraph 0002) comprising:

receiving, from a call participant, a personal identification code over the voice communications link (paragraph 0016); and

determining identifying information for the call participant using the personal identification code (paragraph 0017).

Lopez fails to disclose encoding the identifying information of the call participant and embedding the encoded identification information.

However, Ota teaches encoding the identifying information of the call participant and embedding the encoded identification information within a voice stream carried by the voice communications link (paragraph 0179); and

sending the voice stream and the embedded identifying information to a subscriber (paragraph 0179).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Lopez using the teaching of embedding authentication information as taught by Ota.

This modification of the invention enables the system to embedding the encoded identification information so that the user would receive the information with voice.

Regarding **claim(s) 2, 11 and 20**, Lopez discloses a method, wherein the voice communications link is a telephony communications link (paragraph 0016).

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Regarding **claim(s) 3, 12 and 21**, Lopez discloses a method, wherein the identifying information indicates whether the call participant has been authenticated (paragraph 0024).

Regarding **claim(s) 4, 13 and 22**, Lopez discloses a method, wherein the identifying information and the voice stream are digital information, such that the identifying information is embedded within the voice stream (paragraph 0024).

Regarding **claim(s) 5, 14 and 23**, Lopez discloses a method, said encoding step comprising: removing inaudible portions a speech signal (paragraph 0017); and embedding the identifying information in place of the inaudible portions of the speech signal within the voice stream (paragraph 0017).

Regarding **claim(s) 6, 15 and 24**, Lopez discloses a method, further comprising: receiving the voice stream and the embedded identifying information (paragraph 0024); and decoding the identifying information (paragraph 0024).

Regarding **claim(s) 7, 16 and 25**, Lopez discloses a method, further comprising presenting a representation of the identifying information (paragraph 0017).

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Regarding **claim(s) 8, 17 and 26**, Lopez discloses a method, further comprising playing an audible representation of the voice stream (paragraph 0017).

Regarding **claim(s) 9, 18 and 27**, Lopez discloses a method, wherein the audible representation of the received voice stream is played substantially concurrently with the presentation of the identifying information (paragraph 0024).

Regarding **claim(s) 10**, Lopez discloses a system for providing identifying information over a voice communications link (paragraph 0002) comprising:

means for receiving, from a call participant, a personal identification code over the voice communications link (paragraph 0016); and

means for determining identifying information for the call participant using the personal identification code (paragraph 0017).

Lopez fails to disclose means encoding the identifying information of the call participant and embedding the encoded identification information.

However, Ota teaches means for encoding the identifying information of the call participant and embedding the encoded identification information within a voice stream carried by the voice communications link (paragraph 0179); and

means for sending the voice stream and the embedded identifying information to a subscriber (paragraph 0179).

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Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Lopez using the teaching of embedding authentication information as taught by Ota.

This modification of the invention enables the system to embedding the encoded identification information so that the user would receive the information with voice.

Regarding **claim(s) 19**, Aktas discloses a machine readable storage, having stored thereon a computer program having a plurality of code sections executable by a machine for causing the machine (paragraph 0002) to perform the steps of:

receiving, from a call participant, a personal identification code over the voice communications link (paragraph 0016); and

determining identifying information for the call participant using the personal identification code (paragraph 0017).

Lopez fails to disclose encoding the identifying information of the call participant and embedding the encoded identification information.

However, Ota teaches encoding the identifying information of the call participant and embedding the encoded identification information within a voice stream carried by the voice communications link (paragraph 0179); and

sending the voice stream and the embedded identifying information to a subscriber (paragraph 0179).

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Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Lopez using the teaching of embedding authentication information as taught by Ota.

This modification of the invention enables the system to embedding the encoded identification information so that the user would receive the information with voice.

Response to Arguments

5. Applicant's arguments with respect to **claim(s) 1-27** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gerald Gauthier/
Primary Examiner
Art Unit 2614

/GG/
November 28, 2007